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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/581,949	06/19/2000	Jeff B. Glickman	9185/10	6582
757	7590	04/05/2004	EXAMINER	
GENERAL NUMBER 00757 BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60611			DESIRE, GREGORY M	
			ART UNIT	PAPER NUMBER
			2625	

DATE MAILED: 04/05/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/581,949

Applicant(s)

GLICKMAN ET AL.

Examiner

Gregory M. Desire

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3, 4, 6 and 11.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of claims 1-6 in Paper No. 10 is acknowledged.

Examiner acknowledges the cancellation of claims 7-43.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Rorvig (5,181,259).

Regarding claim 1 Rorvig discloses,

Receiving input data for classification (note fig 1 images and col. 4 lines 9-11 and 59-62 images are the received input data for classification);

Defining one or more transformations of the input data (note fig. 1 (6), comparing of image examiner interprets as a transformation);

Applying energy minimization to the one or more transforms of the input data (note fig. Fig. 1 (7), examiner interprets solving with MDS is applying energy minimization);

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Producing at least a rate of change in energy in response to energy minimization (note fig. 1 (8) and col. 8 lines 13-15, examiner interpret Euclidean distance as finding rate of change (dissimilarities) of MDS; and

Classifying the input data using at least the stress rate value (note fig. 1 block (14) and col. 5 lines 25-29 and col. 6 lines 1-8, resultant output of the method is a classification of the input data from all methods include stress rate value.

Regarding claim 2 Rorvig discloses,

Wherein the step of applying energy minimization comprises using individual differences multidimensional scaling applied to the input data (the specification page 3 lines 9-13 describes IDMDS as coming from MDS and converts multiple sources of proximity data into common geometric configuration space and associated vector space. Rorvig performs MDS and subsequent conversion geometric space to vector space (note col. 5 lines 16-19).

Regarding claim 3 Rorvig discloses,

Wherein the step of applying energy minimization comprises using a finite element method analysis applied to the input data (note col. 5 lines 27-29, examiner interprets MDS having a final ordering as finite method).

Regarding claim 4 Rorvig discloses,

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Wherein the step of applying energy minimization comprises using simulated annealing applied to the input data (note col. 5 lines 10-15, the input image is tempered).

Regarding claim 5 Rorvig discloses,

Producing a source space output and classifying the input data using the source space output (note col. 5 lines 25-29, lines cite results using vector space, thus classifying using source space output).

Regarding claims 6 Rorvig discloses,

Producing a common space output and classifying the input data using the common space output (note col. 16-17, lines cite producing geometric space (common space, this information is a method of the classification method, thus classifying using the common space output).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory M. Desire whose telephone number is (703) 308-9586. The examiner can normally be reached on M-F (8:30-6:00) Second Monday off.

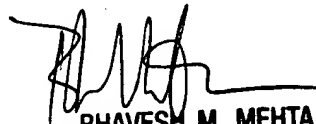
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (703) 308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory M. Desire  
Examiner  
Art Unit 2625

G.D.  
March 25, 2004

  
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SUPERVISORY PATENT EXAMINER  
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